RE DEMAND FOB REPLIES FROM MINISTERS ON SPECIAL MENTIONS

श्री विठ्ठलराव माधवराव जाधव (महाराष्ट्र) : महोदया, मेरी समस्या यह है कि हमारे सदन में जो स्पेशल मेंशन होते हैं उनका कोई जवाब नहीं आता है। मंत्री महोदय जल्दी जवाब नहीं देते हैं। हम बोलते रहते हैं मगर सरकार उसका कोई कान्सीजेंस नहीं लेती है तो इस काम का, पार्लियामेंट्री सिस्टम का कोई मतलब नहीं रहेगा। इसलिए मेरा आपके माध्यम से अनुरोध है कि जो भी हमारे सदस्य स्पेशल मेंशन उठाते हैं उनका कम से कम चार दिन में या आठ दिन में जवाब आना ही चाहिए तो लोगों और हमको भी लगेगा कि हम लोगों की सहायता कर रहे हैं। यही मेरा आपसे अनुरोध है।

उपसभापति : मैं सारे मंत्रियों को चिट्ठी नहीं लिख सकती। I will write to the Parliamentary Affairs Minister

SHRI JAGESH DESAI (Maharashtra); At least within one month they should reply. What I raised in the Budget Session has not been replied to yet.

श्री विठ्ठलराव माधवराव जाधव : फिर उसका कोई मतलब नहीं होता है। सिर्फ इसका फायदा इतना होता है कि टी.वी. में सदस्य का नाम आता है। इसके सिवाय और कुछ नहीं होता है।

THE DEPUTY-CHAIRMAN; I will speak to the Minister of Parliamentary Affairs and the Leader of the House that the concerned Minister should reply to the Members' queries That is why special mentions are admitted in the House. But I won't take the responsibility of gating their replies. However, I will convey the sentiments of the House.

Now the House stands adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at thirty-six minutes past one $_0$f the clock

The House reassembled after lunch at thirty-six minutes past two of clock. Hie Vice-Chairman *(Shri* Bhaskar Annaji Masodkar)s in the Chair.

THE INDIAN PORTS (AMENDMENT) BILL, 1990

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Sir, with your permission, I would like to say a few words while moving the Indian Ports (Amendment) Bill, 1990 for consideration and passing it_ The Indian Ports Act 1908 (15/of 1908) provides for the declaration of major ports, appointment of conservators, rules for the safety of shipping and conservation of ports, levy of port dues, fees and other charges etc. This Act is applicable to both minoj- ports and major ports in the country.

The Government had set up a Directing Group which identified needs for simplifying and rationalising the procedures so as to be able to improve the level ot services provided by the ports to its users. It is in this context that certain amend-mens have been suggested for the Indian Ports Act.

The present practice of recovering charges on the basis of the GRT of the vessel (mostly charges leviable under the Major Ports 8rust$_s$ Act, 1963) and some other on NRT (Port dues) is not consistent with the idea of simplification. Accordingly, only one base, namely, GRT is being proposed for recovery of charges. It is a widely accepted basis for levying charges and also a more reliable index Of the vessel size. It has, therefore, been proposed to amend clause 6 of section 3 of the Indian Ports Act to change the definition of 'tonne' in terms of Gross Registered Tonnage of a vessel.

For quite some time the major ports have been exercised over the problem of abandoned vessels within the port are$_a$ and its adverse impact on port operation and the consequent loss of revenue. Some of the important reasons for vessels being abandoned are financial difficulties faced by the shipping companies, labour dispute*,

[Shri Jagdish TytlerJ

ships not being certified fit orf sailing. At presene, the owner has no duty to remove such abandoned vessels. It is now proposed to cast a duty to the owner of the vessel to remove the wreck within a period as may be specified in the notice given by the conservator. It is also proposed to give powers to the conservator to remove or to destroy a wreck wihout notice to its owner for the purpose of uninterrupted navigation in the port. It is, therefore, proposed to amend section 14 of the Act.

We are all conscious of the need to prevent damage to environment. The penalties provided in the Indian Ports Act 1908 for causing pollution are considered inadequate and too low to be a deterrent. It is, therefore, felt necessary to raise he existing penalty of Rs 500 to Rs. 5 lakhs and the period of imprisonment may extend upto a period of one year. It is accordingly proposed to amend section 2l of the Indian Port Act.

Section 33(5) of the Indian Port Act specifies a period of 60 days on the expiration of which an order increasing or imposing port dues shall take effect. In view Of the improvement of the communication system, it is proposed to reduce the period from 60 days to 30 lays. The ports levy pilotage fees on ships for assisting them in navigating through the shipping channels and regulating them into the berths/moorings. Towage charges are also levied- on a ship for towing it in and/or out of the harbour with the help of harbour tugs or dock tugs or both depending on the layout of the port. At present some ports also charge the vessel owners shifting charges when their vessels are shifted from one berth to another for operational and other reasons. The Directing Group has recommended the merger of pilotage fees, towage and shifting charges. The Indian Ports Act, however, provides for maintenance of separate accounts in respect of funds collected by way of pi-lotage. Section 36 provides that all the fess charged for pilotage shall be credited to a distinct account called the pilotage account of the Port and that all sums so ' credited to the pilotage account may applied for certain specific purposes purchase and maintenance of vessels, . ment of salary, wages, other allowar and benefits to the pilots, etc. The Dir ing Group after a careful examination all aspects concluded that since pilots a part of Port Administration, the rati ale for making separte pilotage accot was lost and that it is only logical to n ge it with other charges. It is thus f posed that the pilotage account should dispensed with and towage, shifting other ancillary charges merged with p tage fees. The recommendation considered and accepted by the Empo\ ed Committee. To give effect to this cision, the Act has to be suitably ameni It is proposed that Section 36 of the Im Ports Act may be amended to disp! with the maintenance of separate piloi account in so far as its application to jor Pors Is concerned.

It has also been proposed to am Section 42 of the Act dealing with traint sale of vessels on their refusal pay port charges. Under this Section, if master of any vessel refuses to pay rates payable to the port trusty the] authority can arrest and sell the ve after giving notice. There are occas when a vessel is already under the or of a court or some other authority. such circumstances, the port shall 1 the power to arrest and sell the vessel recovery of dues only after obtaining prior permission of the court or other tbority making such an order. It is proposed to provide that the buyer of vessel in such sale should have the au rity under the law to transfer the ow ship of such vessel to some other pet It is proposed to amend Section 42 ac dingly.

In the circumstances, I now move motion;—

> "That the Bill further to amend tion 3, 14, 21, 33, 36 and 42 the Indian Ports Act, 1908 be ti into consideration"

The question was proposed.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Now the Bill is before the House for discussion. Shri Mohammed Amin.

श्री मोहम्मद अमीन (पश्चिमी बंगाल): वाइस चेयरमैन सर, इंडियन पोर्टस (अमेंडमेंट) बिल, जो मंत्री जी ने यहां पेश किया है, इसके बारे में इसकी जिन दफा में तरमीम की जा रही है, उस पर ज्यादा कण्ट्रोवर्सी नहीं होना चाहिए। कुछ दुश्वारियां ऐसी हैं, जिनको ठीक करने की जरूरत है और इसलिए, जैसे जहाज अगर फंस जाय या डूब जाय तो उसके महदूद मुद्दत के अंदर हटाने की जिम्मेदारी उसके मालिक पर है। पुराना जो कानून था, उसमें सिर्फ पांच सौ रुपए जुर्माने का इंतजाम किया गया था, अब उसको बढ़ाकर पांच लाख रुपए करने की तजवीज है। अब यह है कि पांच सौ से पांच लाख रुपया, लगता है कि बहुत ज्यादा है, मगर इससे यह भी साबित बात हो रही है कि महंगाई कितनी बढ़ गई है। उसका एक इशारा भी इसके अंदर मौजूद है। लेकिन, मैं जो बात कहना चाहता हूं, वह यह है कि हमारे देश में जहाजरानी की जो तरक्की होनी चाहिए वह नहीं हो रही है।

सर, आपको याद होगा, इकबाल ने बहुत पहले कहा था—"गोदी में खेलती हैं इसके हजारों नदियां"। जिस मुल्क की गोद में हजारों नदियां खेल रही हों, उस मुल्क में अगर जहाजरानी को तरक्की न मिले तो इस पर हैरत भी होती है और अफसोस भी होता है। अगर जहाजरानी की तरक्की हो तो उसमें हजारों लोगों की रोजी लग सकती है, जो हमारे देश का इस वक्त एक संगीन मसला बना हुआ है। लेकिन अगर मैं जाऊं और सरकार पिछले 1947 जब एक जायजा करें, किन्तु करें तो यह साबित होगा कि इसमें कोई खास तरक्की नहीं हो पायी है। अंजुमन-ए-अकवाम-ए-मुत्तहदा (यूनाइटेड नेशंस) का एक दारा—यूनाइटेड नेशंस फार ट्रेड एण्ड डेवलपमेंट—उसका मुखफफ "अंकटाड" लिखते हैं और अखबार वाले। जहां तक मुझे याद पड़ता है उसने 15 साल पहले यह कहा था कि हिन्दुस्तान जहाजों में माल को तारने-चढ़ाने और एक जगह से दूसरे जगह ले जाने का जो काम है, यह ज्यादातर हिन्दुस्तानी जहाजों से लेना चाहिये। बल्कि उसने यहां तक कहा था कि मालबरदारी का कम से कम 40 फीसदी काम हिन्दुस्तानी जहाजों से लेना चाहिये, जब कि अभी जो ताजा-तरीन इन्फारमेशन मेरे पास है, वह यह है कि पिछले साल भी यह 30 फीसदी के नीचे था और विदेशी जहाजों से काम लिया जा रहा है, नफा उनको ही जाता है, हिन्दुस्तानी जहाजों को मौका मिलता नहीं है। इसकी क्या वजह है यह बात समझ में नहीं आती है? इसलिए शिपमेंट हिन्दुस्तान में मालबरदारी का काम बढ़े, इसके लिए सरकार क्या इंतजाम कर रही है, यह बात अगर मंत्री जी बतायें तो बेहतर होगा। इसी के साथ पोर्ट का सवाल जुड़ा हुआ है। अब यह बात देखने में आ रही है कि पूर्वी भारत खासकर कलकत्ता पोर्ट इस मामले में बिल्कुल बरबाद हो रहा है। 1947 में कलकत्ता पोर्ट से 47 फीसदी माल उतारने-चढ़ाने का काम होता था पूरे हिन्दुस्तान में, आज वह घटकर 3 फीसदी पर आ गया है। तो कलकत्ता पोर्ट कैसे चलेगा? इसके कई पहलू हैं—पानी की कमी है, गहराई की कमी है, फरक्का बैराज से जितना पानी कलकत्ता को मिलना चाहिए, वह मिल नहीं रहा है, ये सारी बातजुड़ी हुई हैं। नीचे की गहराई कम होने का मुकाबला करने के लिए जो मिट्टी निकालने का काम है, वह नहीं होता है। यह केन्द्रीय सरकार की जिम्मेदारी है। इसके साथ ही कलकत्ता में जो जहाजी काम करने वाले लोग हैं, उनकी भर्ती तकरीबन बंद है और भर्ती का यह सारा काम तकरीबन बंबई में होता है। कलकत्ता जो समुद्री तिजारत का एक मरकजी मकाम रखता है और रिवायत भी रखता है, जहां हजारों लोग नस्ल-दर-नस्ल यह काम करते आ रहे हैं, वे जहाज

[श्री मोहम्मद अमीन]

बैठे रहते हैं, उनको कोई काम नहीं मिलता है, उनके बाल-बच्चे भूखे रहते हैं, इफलास में फंस जाते हैं और उनकी जिंदगी अजीब बन गई है । यह बात किसी की समझ में नहीं आ रही है कि जब हम देश को एक रखना चाहते हैं तो देश में अलहदगी पसंदी के रुझानात बढ़ने के बहुत सारे असबाब हैं । गवर्नमेंट क्या यह बता सकती है कि इसकी क्या वजह है कि भर्ती का सारा काम मुंबई से होगा ? क्या कानून है, कैसी बात है, इस पर रोशनी डालने की जरूरत है । नेशनल कारगो डिस्ट्रीब्यूशन पालिसी, ऐसी कोई पालिसी नहीं है, जब कि वह होनी चाहिये । अगर तमाम पोर्ट को उभरने-चढ़ाने के काम में बराबर का हिस्सा मिले तो हमारे ख्याल में, हमारे देश के अंदर जहाजरानी की तरक्की के लिए बहुत सा स्कोप निकल सकता है । हमारे देश के अंदर जहाजरानी की तरक्की के लिए बहुत सा स्कोप निकल सकता है । इसी के साथ हम यह नहीं कहते कि तमाम कलकत्ता के लोग ही लिए जायें । जो सीमेन्स यूनियन है, उसने मांग की है कि कम से कम 30 फीसदी भर्ती कलकत्ता से हो बाकी भर्ती आप मुंबई से कर सकते हैं, विशाखापत्तनम से कर सकते हैं और भी जो मुल्क के बन्दरगाह हैं, वहां से कर सकते हैं । ऐसे तरीके अपनाने चाहिये ताकि जहां-जहां बन्दरगाह हैं सब जगह के लोगों को मौका मिले, उनको रोजी मिले और इसके साथ कलकत्ता बन्दरगाह के सिल्टेज का जो मामला है, उसको जरूर टेक-अप करना चाहिये । अगर मंत्री जी यह बतायें कि कलकत्ता पोर्ट को बचाने के लिए गवर्नमेंट क्या कदम उठाना चाहती है, इस पर रोशनी डालें तो बेहतर होगा ।

यही कह करके और इस अमेंडमेंट का सपोर्ट करके मैं अब बात खत्म करता हूं ।

[+][شری محمد امین (مغربی بنگال):]

وائس چیرمین سر - انڈین پورٹس (امنڈمنٹ) بل - جو منتری جی نے یہاں پیش کیا ھے - اسکے بارے میں اسکی جن دفعات میں ترمیم کی جا رھی ھے - اس کے بارے میں زیادہ کنٹروورسی نہیں ھونی چاھئیے- کچھ دشواریاں ایسی ھیں - جنکو ٹھیک کرنے کی ضرورت ھے اور اسلئے جیسے جہاز اگر پھنس جائے - یا ڈوب جائے - تو اسکے محدود مدت میں ھٹانے کی ذمہداری اسکے مالک پر ھے - پرانا جو قانون تھا - اسمیں صرف پانچ سو روپئے جرمانے کا انتظام کیا گیا تھا - اب اسکو بڑھاکر پانچ لاکھ روپئے کرنے کی تجویز ھے - اب یہ ھے کہ پانچ سو سے پانچ لاکھ روپیہ لگتا ھے کہ بہت زیادہ ھے - مگر اس سے یہ بھی ثابت بات ھو رھی ھے مہنگائی کتنی بڑھگئی ھے - اسکا ایک اشارہ بھی اسکے اندر موجود ھے- لیکن میں جو بات کہنا چاھتا ھوں وہ یہ ھے کہ ھمارے دیش میں جہاز رانی کی جو ترقی ھونی چاھئیے - وہ نہیں ھو رھی ھے -

سر - آپکو یاد ھوگا - اقبال نے بہت پہلے کہا تھا - دنیا کی سمندروں میں کھیلتی ھیں اسکے ھزاروں ندیاں،،- جس ملک کی گود میں ھزاروں ندیاں کھیل رھی ھوں - اس ملک میں اگر جہاز رانی کو ترقی نہ ملے تو اس پر حیرت بھی ھوتی ھے اور افسوس بھی ھوتا ھے - اگر جہاز رانی کی ترقی ھو تو اسمیں ھزاروں لوگوں کی روزی لگ سکتی ھے - جو

ہے - نفع انکو ہو جاتا ہے - ہندوستانی جہازوں کو موقع ملتا نہیں ہے - اسکی کیا وجہ ہے یہ بات سمجھ میں نہیں آتی ہے - اسلئے شخصیت ہندوستان میں مال برداری کا کام بڑھے اسکے لئے سرکار کیا انتظام کر رہی ہے - یہ بات اگر منتری جی بتائیں تو بہتر ہوگا - اسی کے ساتھ پورٹ کا سوال جڑا ہوا ہے - اب یہ بات دیکھنے میں آرہی ہے کہ پوربی بھارت خاص کر کلکتہ پورٹ اس معاملے میں بالکل برباد ہو رہا ہے - ۱۹۴۷ میں کلکتہ پورٹ سے ۴۷ فیصدی مال اتارنے چڑھانے کا کام ہوتا تھا - پورے ہندوستان میں - آج وہ گھٹ کر ۳ فیصدی پر آ گیا ہے - تو کلکتہ پورٹ کیسے بچےگا - اسکے کئی پہلو ہیں - پانی کی کمی ہے - گہرائی کی کمی ہے - فرکا بھراج سے جتنا پانی کلکتہ کو ملنا چاہئے وہ مل نہیں رہا ہے - یہ ساری باتیں جڑی ہوئی ہیں - نیچے کی گہرائی کم ہونے کا مقابلہ کرنے کیلئے جو مٹی نکالنے کا کام ہونا وہ نہیں ہوتا ہے - یہ کھاندرئے ہمارے دیش کا اس وقت ایک سلگھی مسئلہ بنا ہوا ہے - لیکن اگر منتری جی اور سرکار پچھلے ۱۹۴۷ سے ایک تبصرہ کریں ریویو کریں- تو یہی ثابت ہوگا کہ اسمیں کوئی ترقی نہیں ہو پائی ہے - انجمن اقوام متحدہ (یونائیٹڈ نیشنس) انکا ایک ادارہ یونائیٹیڈ نیشنس کانفرنس فار ٹریڈ اینڈ ڈیولپمنٹ - جسکا مخفف "انکٹائیڈ" لکھتے ہیں اخبار والے - جہاں تک مجھے یاد پڑتا ہے اسنے ۱۵ سال پہلے یہ کہا تھا کہ ہندوستانی جہازوں میں مال کو اتارنے چڑھانے اور ایک جگہہ سے دوسری جگہہ لے جانے کا جو کام ہے - یہ زیادہتر ہندوستانی جہازوں سے ملنا چاہئے - بلکہ اسنے یہاں تک کہا تھا کہ مال برداری کا کم سے کم ۴۰ فیصدی کام ہندوستانی جہازوں سے لینا چاہئے - جب کہ ابھی جو تازہترین - انفارمیشن میرے پاس پاس ہے - وہ یہ ہے کہ پچھلے سال بھی یہ ۳۰ فیصدی کے نیچے تھا - اور ودیش جہازوں سے کام لیا جا رہا

جبکہ یہ ہونی چاہئے - اگر تمام پورٹ کو اتارنے چڑھانے کے کام میں برابر حصہ ملے تو ہمارے خیال میں ہمارے دیش کے اندر جہاز رانی کی ترقی کیلئے بہت سا اسکوپ نکل سکتا ہے اسی کے ساتھ میں ہم یہ نہیں کہتے کہ تمام کلکتہ کے لوگ ہی لئے جائیں - جو سمیش پونین ہے - اسنے مانگ کی ہے کہ کم سے کم ۳۰ فیصدی بھرتی کلکتہ سے ہو باقی بھرتی آپ بمبئی سے کر سکتے ہیں - وشاکھا پٹم سے کر سکتے ہیں - اور بھی جو ملک کے بندرگاہ ہیں وہاں سے کر سکتے ہیں- ایسے طریقہ اپنانے چاہئے تاکہ جہاں جہاں بندرگاہ ہیں - سب جگہہ کے لوگوں کو موقع ملے - انکو روزی ملے - اور اسکے ساتھ کلکتہ بندرگاہ کے سلٹیج کا جو معاملہ ہے - اسکو ضرور ٹھیک ای کرنا چاہئے - اگر منتری جی یہ بتائیں کہ کلکتہ پورٹ کو بچانے کے لئے گورنمنٹ کیا قدم اٹھانا چاہتی ہے - اس پر روشنی ڈالیں تو بہتر ہوگا -

یہی کہہ کر کہ اور اسٹیٹمنٹ کا سپورٹ کرکے میں اپنی بات ختم کرتا ہوں -

سرکار کی ذمہداری ہے - اسکے ساتھ ہی کلکتہ سے جو جہازی کام کرنے والے لوگ ہیں - انکی بھرتی تقریباً بند ہے - اور بھرتی کا یہ سارا کام تقریباً بمبئی سے ہوتا ہے - کلکتہ جو سمندری تجارت میں ایک مرکزی مقام رکھتا ہے - روایت بھی رکھتا ہے - جہاں ہزاروں لوگ نسل در نسل یہ کام کرتے آ رہے ہیں - وہ جہاز کا ایک سفر کرکے آنے کے بعد برسوں بیٹھے رہتے ہیں - انکو کوئی کام نہیں ملتا ہے - انکے بال بچے بھوکے رہتے ہیں - افلاس میں پھنس جاتے ہیں - اور انکی زندگی عذاب بن گئی ہے - یہ بات کسی کی سمجھ میں نہیں آ رہی ہے - کہ ہم دیش کو ایک رکھنا چاہتے ہیں تو دیش میں علحدگی پسندی کے رجحانات بڑھنے کے بہت سارے اسباب ہیں - گورنمنٹ کیا یہ بتا سکتی ہے کہ اسکی کیا وجہہ ہے کہ بھرتی کا سارا کام بمبئی سے ہوگا - کیا قانون ہے - کیسی بات ہے - اس پر روشنی ڈالنے کی ضرورت ہے - نیشنل کارگور ڈسٹربیوشن پالیسی ایسی کوئی پالیسی نہیں ہے

SHRI JOHN F. FEDNANDES (Goa): Thank you, Mr. Vice-Chairman, Sir. These amendments are most welcome and they were long overdue. As we see this Indian Ports Act, it is almost centure old_ It is an Act of 1908 and the amendments are long overdue. In fact, the Government should have come forward much earlier with a comprehensive Bill amalgamating all these Acts into one Act like it was Cone in the case of the Motor Vehicles Act in 1935 By this amendment Bill, the hon. Minister seeks to amend three Acts totally. The first being the Indian Ports Act of 1908, the Merchant Shipping Act, 1958 and the third being the Major Port Trusts Act of 1963. This is actually a piecemeal legislation to help the marine trade. It would be appropriate if the Minister came forward with a legislation with more teeth which could augment the sea trade. The Minister has only brought about some token amendment to this Act. We alSo find that there is no control on the foreign vessels. There are many vessels coming from foreign countries which are called Fly By Night Operators. When these vessels become obsolete, they try to dump them in the Indian port and they in turn claim the insurance. But now through this amendment, the Minister seeks to remove this obstruction in the port area. I only hope that a wrong signal will not be given to the international trading community that the Indian port can be made an international dumping yard. The hon. Minister has mentioned that he would increase the ceiling from Rs. 500 which was Rs. 60 in 1908, *to* Rs. 5 lakhs.

I feel that Rs. 5 lakhs is too minimal and it would be appropriate for the Minister to fix the lower and the upper ceiling limits. I would like to suggest *to* the hon. Minister that the upper ceal-ing limit Should be not less than Rs. 25 lakhs because of the amount of pollution and the degeneration of our environment on account of these vessels. It would be appropriate if a strong penalty is imposed So that it serves as a deterrent. We have ten major ports in India. The latest major port Nheva-Sheva or the Jawaharlal Nehru Port. It was shock-

inp to learn that this port is being mismanaged. This port is equipped with the latest technology and it is one of the most modern ports in India. The World Bank had loaned about 400 crores for this port and now the World Bank says that the port has been mismanaged. I do not know the fate of the other ten ports. It would be appropriate if some control was exercised on these ports. It is noticed that in the Port Trust Acts, only those people who are interested ia sea trade and port areas are involved. I would like *to* make a suggestion to the hon. Minister that public men, like Members of Parliament or Members of Legislative Assemblies, should be involved so that public interest is generated and also involved. I would like the Minister to take note of this supgestion and See that there is appropriate control over this public sector undertaking. I now come to the problem faced by my port in Goa, that is, Marmugao which is the eleventh major port in India. And, Sir, this port is lacking in all basic infrastructural facilities. At the moment, it is not connected to the national railway line by a BG line. We have a Narrow Gauge line which runs between Marmugao and Miraj. For any port to survive, it is essential that there is access to it so that the containers can be transported to it. By having this Narrow Gauge line connected up to Miraj, it is not possible to have the container system. The Konkan Railway line is being constructed in this area and even in this there is no provision to connect the Marmupao Port to Konkan Railway line. I would like to know from the honourable Minister whether he would also like to join in contributing to the development *of* this line and also to see that Marmugao harbour *is* connected *to* this railway line So that this port is developed fully and more and more trade is brought to this area by the container systerm.

Sir, I fully welcome the steps mentioned by the honourable Minister in this Bill. But, as I Said, these amendments are only of a technical nature. This is a BH1 which was proposed to be passed by his predecessor in Aie earlier Government and I fee! that it is a bit

[Shri John F. Fernandes]

outdated. In view of the review of our foreign trade policy hy the present Government this year, I feel that this Bill Should have been updated. But, at the same time, I hope that the honourable Minister will come with a comprehensive legislation replacing all the piece-meal legislations which are in existence and bring forward a new and comprehensive Bill for the development of marine trade irt India and for the benefit of the trading community.

With these few words, Sir, I support the amendments proposed in this Bill. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Now, Mr. K. G. Maheswarappa.

SHRI K. G. MAHESWARAPPA (Karnataka): Sir, by this BiH, a number of sections of the Indian Ports Act are .sought to be amended, namely, sections 3, 14, 21, 33, 36, 42 and 87. I agree with my friend, Shri Fernandes, tit at instead of bringing forward a piecemeal legislation like this, a comprehensive Bill should have been brought forward. In fact, in the month of March, 1990, I think, one amendment was passed for pooling the funds of all the major port tnftts. Now, this Bill has been brought forward *m* order to improve the functioning of the activities in our ports I welcome these amendments though they are only peripheral and they are not going to change radically the functioning of the ports.

In this connection, I would like to mention that several proposals are pending with the Government for its consideration and the honourable Minister may kindly take note of them.

A proposal is there wlith the Government for the constitution of a Central Authority and the Government has not taken any decision on that. Then there is a proposal regarding container handling operations. There are plans relating to the deepening of the ports, dredging of the three ports namely, Paradip. Visakhapatnam and Madras and Japanese and Dutch offers are there for deepening of these ports. On all these matters, the Government has not taken any decision and the Government has not taken them seriously at all and, therefore, it is not doing anything to implement them.

There *is* a proposal to make the Madras port as a major feeding centre for all the ports in the Bay of Bengal region. That is one of the important recommendations pending with the Government. That reeommendaiion is vet to be considered and implemented. The importance of this port as a feeding centre for all the ports in the Bay of Bengal region need not be overemphasised.

Another important matter that is before the Government is the offer of the American President Lines. In these days of talks of privatization and in view of the so-called new industrial policy of the Government, I would .'ike to know ' whether the Government is considerinp the proposal of the American President Lines, one of the world's largest shippers, to develop three major ports in the country. They are prepared 3.00 P.M. to develop these three major ports. This is in the direction of privatisation. I wantt to know whether the Government in principle accepts their offer. Their offer is pending with the Ministry.

One of the important things to which I would like to draw the attention is the inefficiency in the container-handling operations in Bombay. It is published in the newspapers also. There are so many representations also sent to the Government. Even the turn-round time of each ship has not been shortened which would result an more frequency. This may appear very simple. Even this turn-round time modification has not been attend to in Bombay. Therefore. I would like to know what steps have been taken to eliminate ineffie'ency in the Bombay container-handling operations. Sir, there is a need at least for an investment of Rs. 800 crores to develop the Madras port to attract larger container ships, to negotiate towards Far East and Pacific, and to develop the Nhava-Sheva port to handle more trans--

port shipments to West Asia and Europe. These are some major issues and the Minister should take them into consideration. The plan for deepening of the three ports, namely Paradip, Madras and Visakhapatnam, to accommodate, vessels of 1.07 lakh TWT capacity, with the Japanese and Dutch assistance that has been offered should be considered. These are the important things to be done in order to develop the major ports. And the improvement of particularly Nhava-shevh and Madras ports should be considered. If necessary, the Government should come forward with a comprehensive Bill to improve the performance and the functioning of the ports.

With these words, Sir, I support the Amendment. Thank you. Sir.

THE VICE-CHAIRMAN ('SHRI BHASKAR ANNAJI MASODKAR): Shri Chhotubhai Patel—not here; Shri Gopal Singh G. Solanki—not here; Shri Santosh Kumar Sahu.

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman, Sir, I want to support the Bill. The aims and objects of the Bill as state by the hon. Minister are very clear in their perspective. First, the BrH intends to clarify the ambiguity in the tonnage of a shif by abolishing GRT and NRT and mak ing it GRT."

The second thing is that in a vas changing world the rubbish left by- the ships sometimes creates problems in the ports, and the penalty of Rs. 500 is a paltry sum. And it has been rightly pointed out by some hon. ' Members that Rs. 5 lakhs that is envisaged in the Bill is too small. In the case of major ports, the problem is much more.

Then, coming to the other points, if the wreckage, even after notice, is not removed by the owner of th$_e$ ship, it is necessary that the Conservator of the port must have the authority to remove it or destroy it if it is found to be necessary.

Sir, it has been rightly pointed out by the hon. Members that this Act which came into force in 1908 underwent almost 20 amendments so fas in different forms. In a vast changing world of technology and where there is our dependence on ports to boast up foreign trade, it is necessary that the operational efficiency must be toned up. And the laws also should also undergo certain changes.

Now. as we see, there are 12 major ports. It has been rightly pointed out that we require modernisation, we re quire deepening, we require also improve ment in the management so that the ope rational ratio can be economic. Major ports are facing many problems today, like operational efficiency ratio and the economic surpluses are dwindling. This is a bip question for the Indian ports today. If we want to liberalise our economy then the country must have more of exports and the bulk carriers are the ships. So, it is necessary that the operation of the ports must be more scientific and competitive, if we want to thrive. Coming to the Bill, I would like to say that though this Bill is very simple, it has a laudable object. If we read the provisions in the Bill we find on page 2, Clause 3, "if any vessel is wrecked, stranded or sunk in any port in ^{q}uch a manner.. ." And if we read Clause (IB) you have mentioned "Notwithstand* ing anything contained. ..." in the afore said clause, without giving notice, the conservator can do it. I think, it is some-tim<v? very good. But sometimes the words are to be interpreted with much difficulty. The Bill provides that if a ship is wrecked and the conservator find that it is hindering the functioning of the port, he can remove it without even giving notice. This is a welcome provision. Here the words used 'wrecked' and "Sunk' have a clear meaning. But the word 'stranded* has different meanings. It might be in different degrees. It might be due to strike or natural calamines. The Bay of Bengal is suceptible to natural calamities. So, the word 'stranded' should have a clear meaninp because it is a question of international trade. Many laws or lacunae will have international bearing also. So, the word 'stranded' should have been very clearly defined and the degrees of 'stranded' should have been explained clearly

[Shri Santosh Kumar Saha]

I remember, in the Criminal Procedure Code, there is a phrase 'for injury', 'grevious injury' and 'cutting of the head' that is, culpable homxide, a!1 these don't have the same punishments. In this case if a ship is Stranded, the conservator can destroy without giving notice. The owner of the ship should have notice and should have the right to give explanation. So, this will not be a very ideal position in law. The other words are all right. Sometimes it is necessary for the port operation. In the amendment to Section 33, reducing the period of notice from 60 days to 30 days is a good thing. It is an improvement. Now the Minister has pointed out in his Statement of Objects and Reasons that this has been done in view of the improved communication system. The Communication system has changed. We cannot give a longer notice because it can be communicated much earlier. I welcome *it.* But what I say is that ports are not only the concern of the States; they have also to depend on foreign cargo and, therefore, if you don't define these words property, it will create problems. As I said, the word 'stranded' has different meanings and it may be due to natural calamities. In that case it can be removed or it can be repared or it can be taken away. So, this word must have clarity.

Coming to the other part. I have already said in the beginning that we have brought-forward 20 amendments so far. Now, what are. the problems before the port? The problem is that—Some Members have already pointed this out..... - if we go for higher exports, if we .no more for foreign trade, there must be interaction between different countries. It is necessary that we Should build up ports of competitive nature. We have six major ports on the eastern coast and s;x major port on the western coast. As has been pointed out by the hon. Members who have spoken before me, there have been various committee reports that there must be an integrated approach, a national approach to port development and efficiency in operation. without which, any nation will suffer. Many pons, even the Bombay Port, had been having a very good operational ef-ciency and economic surplus. Now it is really decreasing. Even Nava Sheva has been having a lot of problems. The World Bank report was discussed yesterday. We know that there has been no integrated approach and there has been no attempt to have an infrastructural development of this port which has the most modern container facility in the country today. Now what is our target? We have a capacity of 140 million tonnes. After the Seventh Five Year Plan the operational efficiency and the cargo capacity have increased. If we want to survive—according to the Planning Commission report and according to the experts—• it must be increased to 190 million tonnes by 1994 and to more than 300 million tonnes by the year 2000 without which we cannot expect that our foreign trade would reach to the extent of more than 3 per cent of the gross produce of the world. If we want to be a leader of the develping countries, we have to see that our ports are of internaional standards and the minimum facilities are provided and there is efficiency. There is a lack of national integrated approach. Pandit Jawahar Lai Nehru the then P.M. inaugurated the Paradip Port in our State. Actually. the Orissa State Government, spent all the money at the beginning in 1963; even the Rs. *25* crores promised have not been given to the State so far. Shipping loading problems and dredging problems can be solved only when we have a national approach. We must see that there is maximum efficiency. There should be operational efficiency and derdging efficiency. Scientific and technological development should be there and container services and other services should be provided. This is necessary in the interest of the country, the national trade and the international trade of which we are talking so much after the liberalisation of our economy. The ports must be developed wit'n utmost priority. Anyway, this Bill does not contain a provision for this. I said that it was a welcome measure. I

appeal to the Minister to see this in a national perspective. We should have an integrated approach for development of different ports and management exper tise should be exchanged among different ports. For example, the Bombay Port Trust and the Nava Sheva Port Trust. Every port is adopting a compartmentali sed approach- The Nava Sheva Port wa, started as a model to supplement the Bombay Post. But management ex pertise, technological expertise and infra structural facilities were all ab sent There is n Management improve ment. There is also lack of world class technological guide and marketing exper tise in some field. For a national pers pective, this must be looked into. Mr. Amin has pointed out the woes of the Calcutta port. It must have sufficient water for the deepening of the port and for that we should have a new approach. New we have 12 major ports_ By 2000 A.D., we will have to ship 300 million tonnes. T appeal to the Minister, through you. to take note of all these things and have an integrated approach towards mo dernisation and bringing about technolo gical changes. We should introduce new ideas. With these words, I supoprt this Bill.

श्री ईश दत्त यादव (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, अपने महान और विशाल भारत की भौगोलिक स्थिति ऐसी है कि इसकी तीन दिशाओं में समुद्र है, देश में बड़ी और छोटी नदियां हैं, एक प्रकार से पूरा देश प्रगति की गोद में है और प्राकृतिक सम्पदा से भरा पूरा है, संभवत: यह स्थिति दुनिया के और किसी देश की नहीं है। जब अपने देश की यह स्थिति है तो देश के अनवरत आर्थिक विकास में भारतीय पत्तनों का बहुत बड़ा योगदान हो सकता है और योगदान है भी। यद्यपि अपने देश में 11 बड़े पत्तन और कुछ छोटे पत्तन हैं जिनका देश के आर्थिक विकास और अर्थिक क्रान्ति में बहुत महत्वपूर्ण योगदान है। परन्तु इन पत्तनों का जैसा विकास और आधुनिकीकरण होना चाहिये वैसा आज भी नहीं हो पाया है। मैं समझता हूं कि संसाधनों की कमी और सरकार की निष्क्रियता दोनों ही कारण हो सकते हैं। आज जिस विधेयक पर चर्चा हो रही है, मैं इसका समर्थन करता हूं। हमारे पत्तनों के सामने जो बाधाएं हैं उनका निराकरण इससे हो सकेगा तथा पत्तनों की प्रगति में यह विधेयक सहायक होगा। इसलिए इस विधेयक को प्रस्तुत करने के लिए मैं माननीय मंत्री जी को धन्यवाद दे रहा हूं। अपने देश में कुल 11 बड़े पत्तन हैं। इनमें से कलकत्ता, पाराद्वीप, विशाखापत्तनम, मद्रास और तूतीकोरीन देश के पूर्वी तट पर तथा कोचीन, न्यु मंगलोर, मरमागोआ, जवाहर लाल नेहरू पत्तन, बम्बई और कांडला देश के पश्चिमी तट पर स्थित हैं। इनका देश की आर्थिक क्रान्ति और आर्थिक प्रगति से मैं बहुत बड़ा योगदान है। लेकिन इन पत्तनों से देश को जो लाभ मिलना चाहिये, देश की औद्योगिक और आर्थिक प्रगति में जो योगदान होना चाहिये वह नहीं हो पा रहा है। कारण यह है कि इन पत्तनों का विकास नहीं हो सका है और इनकी क्षमता भी पर्याप्त और संतोषजनक नहीं कही जा सकती है जिसको जल-भूतल परिवहन मंत्री श्री जगदीश टाइटलर को स्वीकार करने में कोई आपत्ति नहीं है। इसका कारण सरकार की योजनाओं का समय पर पूरा न होना है । जल-भुतल और परिवहन मंत्रालय, भारत सरकार की वार्षिक रिपोर्ट सन् 1990-91 के अध्ययन से यह पता चलता है कि जो हमारे बड़े 11 पत्तन हैं उनमें अधिकांश पत्तनों की स्थिति अच्छी नहीं है। यह घाटे में चल रहे हैं। मरमागोआ, न्यू मंगलौर और विशाखापत्तनम के बारे में उस रिपोर्ट में यह पता चलता है कि यह तीन पत्तन प्रगति की ओर अग्रसर हैं। पाराद्वीप, तुतीकोरीन पत्तन कभी लाभ और कभी हानि में चलते हैं, गेन और लॉस दोनों बराबर चल रहा है। रिपोर्ट से यह ज्ञात होता है कि कलकत्ता पत्तन की स्थिति ज्यादा दयनीय है, खराब है जो केन्द्र की सहायता पर चल पाता है और सब से खराब स्थिति मैं समझता हूं कि कोचीन बंदरगाह की है क्योंकि जो रिपोर्ट में आंकड़े दिये गये हैं उनके हिसाब से 1987-88 में भी यह पत्तन घाटे में रहा है और

[श्री ईश दत्त यादव]

1988–89 में यह पत्तन घाटे में रहा है। जवाहरलाल नेहरू पत्तन 1989 में चालू किया गया था लेकिन 1989 से लेकर आज तक निरंतर घाटे में चल रहा है। कभी भी इसको लाभ नहीं हुआ है। यद्यपि यह सब से बड़ा पत्तन होगा और पूर्ण प्रचलन के बाद इसकी क्षमता इस देश के किसी भी पत्तन से सब से अधिक होगी। जो शेष तीन पत्तन हैं उनकी भी कमोबेश यही स्थिति है जो दूसरी बंदरगाहों की है। 1985 और 1990 के बीच में भारतीय पत्तन की क्षमता 132.73 मिलियन टन थी जो अब बढ़ कर के 161.32 मिलियन टन हो गई है परन्तु इसे संतोषजनक नहीं कहा जा सकता है। मान्यवर, मैं बहुत विस्तार में नहीं जाना चाहता हूं लेकिन कुछ सुझाव आपके माध्यम से माननीय मंत्री जी को देना चाहता हूं और यह इनके संज्ञान में भी हैं और इसके लिए वे प्रयत्नशील भी होंगे। मैं तीन चार सुझाव देना चाहता हूं। इन पत्तनों की क्षमता बढ़ाने के लिए इनको प्रयास करना चाहिये। जो वर्तमान सुविधाएं हैं उनका आधुनिकीकरण करना आत्यावश्यक है क्योंकि दूसरे देशों के मुकाबले में अगर हमारी बंदरगाहों का आधुनिकीकरण नहीं किया जाएगा तो ये पत्तन देश के आर्थिक विकास में बहुत महत्वपूर्ण योगदान नहीं दे सकेंगे। यह प्रायः सब लोगों की जानकारी में है कि जो बड़े जहाज हैं वह किनारे तक नहीं आ पाते हैं। यह किनारे तक इसलिए नहीं आ पाते हैं कि समुद्र की गहराई बहुत कम है। समुद्र की गहराई कम है, ड्रेजिंग नहीं हो पाती है और ड्रेजिंग न होने का कारण यह है कि हमारे पास अत्याधुनिक ड्रेजिंग मशीनें नहीं हैं। जिनसे कि गहराई बढ़ाई जा सके ताकि बड़े जहाज किनारे तक आ सकें, बंदरगाह के करीब तक आ सके जिससे सरकार का व्यय भार कम हो सके, इससे विकास हो सके। इन पत्तनों में निर्बाध आवागमन के लिए इनको रेल लाइन, पुलों और सड़कों इस तरह से जोड़ा जाना चाहिए ताकि ये ज्यादा सुविधाजनक हो सकें।

महोदय, मैं बात समाप्त ही कर रहा हूं। आपके घंटी बजाने के पूर्व ही समाप्त कर दूंगा।

बड़े पत्तनों पर तो सरकार का बराबर ध्यान रहा है, सरकार प्रयास भी करती रही है और मैंने जो रिपोर्ट देखी है और जो जानकारी है उससे लगता है कि हमारे माननीय मंत्री जी टाइटलर जी काफी प्रयत्नशील हैं। लेकिन जो छोटे बंदरगाह हैं इनकी बराबर उपेक्षा की जाती है। मैं केवल एक उदाहरण देना चाहता हूं। मैं समझता हूं कि सातवीं पंचवर्षीय योजना में महाराष्ट्र में "रेड्डी" और आंध्र प्रदेश में काकीनाडा के दो छोटे पत्तनों का चयन किया गया था। इनमें से काकीनाडा जो पोर्ट है इसको तो एशियाई विश्व बैंक की आर्थिक सहायता प्राप्त हो गयी है लेकिन मैं खेद के साथ कहना चाहता हूं कि महाराष्ट्र सरकार की उपेक्षा, लापरवाही और आवश्यक दस्तावेज उपलब्ध न कराने के कारण रेड्डी जो पोर्ट है इसको आर्थिक सहायता नहीं मिल सकी और आंध्र प्रदेश के काकीनाडा को ही मिल सकी। इसलिए मैं आपके माध्यम से कहना चाहूंगा कि देश के अंदर जो छोटे बंदरगाह हैं इनको भी समुचित रूप से विकसित करने का प्रयास करना चाहिए। देश में बड़ी नदियां हैं, इन नदियों से भी अगर आप संबंध करेंगे व्यापार का जहाजों के आने जाने का, इनकी खुदाई करा कर तो देश के अंदर न केवल आवागमन के साधन उपलब्ध होंगे बल्कि आपकी तिजारत और व्यापार भी देश के अंदर हर कोने में तेजी से बढ़ सकेगा।

अंत में, अपनी बात समाप्त करते हुए केवल एक चीज और कहना चाहूंगा। गोदी कर्मचारी जो यहां पर काम करते हैं उनकी भी बड़ी गम्भीर समस्याएं हैं। यद्यपि पिछले वर्ष और उसके पहले भी कोई देशव्यापी हड़ताल इनकी नहीं हुई है, इन्होंने कोई एजीटेशन नहीं किया लेकिन इनकी मांगे हैं और इन मांगों को लेकर कहीं-कहीं पत्तनों पर इन्होंने काम बंदी कर दी है, काम रोक दिया है जिसके कारण सरकार

को आर्थिक क्षति उठानी पड़ी है। मैं उनकी मांगों के विस्तार में नहीं जाना चाहता हूं क्योंकि समय नहीं है लेकिन आपके माध्यम से मंत्री जी से अनुरोध करूंगा—और आपको तो संज्ञान है, आपके पास उन गोदी कर्मचारियों के मांग पत्र विचाराधीन होंगे—कि उन पर कृपा पूर्वक विचार करके जो संभव हो, सरकार की सामर्थ्य में हो वह करने की कृपा करें। बहुत बहुत धन्यवाद।

श्री मोहम्मद खलीलुर रहमान (आन्ध्र प्रदेश) : जनाब वाईस चेयरमैन साहब, द इंडियन पोर्ट (अमेंडमेंट) बिल 1990 जो पेश किया गया है, मैं इस बिल की भरपूर ताईद करता हूं। मैं समझता हूं कि यह जो बिल लाया गया है यह बिल वक्त की अहमतरीन जरूरत थी। वैसे यह कानून बने हुए सौ साल हो रहे हैं लिहाजा ये जो टेक्निकल टाइप के अमेंडमेंट्स हैं ये जरूरी थे, इस वजह से भी मैं इसकी ताईद करता हूं और इस मौके से फायदा उठाते हुए मैं चंद बातें आपकी तवस्सो से आनरेबुल मिनिस्टर साहब की खिदमत में गोशगुजार करना चाहता हूं।

जनाब वाईस चेयरमैन साहब, आप अच्छी तरह से जानते हैं कि 1989 में एक बिल लाया गया था "शिपिंग एजेंट्स लाइसेंसिंग बिल"। इस वजह से भी आप अच्छी तरह से जानते हैं कि वाकिफ हैं कि इस बिल के आप चेयरमैन थे और मुअज्जिज ऐवान के कई मेम्बर्स भी इसके मेम्बर्स थे। इसके लिए एक ज्वाइंट कमेटी बनायी गयी थी राज्य सभा और लोकसभा के राकीन पर मुश्तमिल और उस ज्वाइंट कमेटी के आप चेयरमैन थे। उस ज्वाइंट कमेटी ने हमारे मुल्क के जो 11 मेजर बंदरगाह हैं उनकी तफसील से विजिट की और वहां जो अजेंट्स हैं जो पोर्ट ट्रस्ट के वहां के जिम्मेदार लोग हैं उन लोगों के इविडेंस रिकार्ड किये। फिर उसके बाद एक मुकम्मिल रिपोर्ट तैयार भी की गयी। मगर क्या वजह है पता नहीं कि पिछली हुकूमत की तरफ से उस बिल को विदड्रा कर दिया गया जबकि एक साल डेढ़ साल तक मुसलसल कोशिश करने के बाद वह बिल शिपिंग एजेंट्स लाइसेंसिंग बिल लाया गया था। शिपिंग एजेंट लाइसेंसिंग बिल की अहमीयत को महसूस करते हुए एक जायन्ट पार्लियामेंटरी कमेटी बनाई गई थी। मगर बगैर किसी वजुहात के उस बिल को विदड्रा किया गया।

मैं आपके तवस्सुत से यह जानना चाहूंगा कि मिनिस्टर साहब अपने जवाब में इसका जरुर जिक्र करें कि उस बिल को विदड्रा करने के क्या वजुहात थे? अभी भी कोई बात नहीं, उस बिल को रिवाईज किया जा सकता है?

अब जो दूसरी बातें हैं, जैसा कि हमारी मरकजी हुकूमत है, उसकी नई इंडस्ट्रियल पालिसी आई है और फिर फोरेन ट्रेड पालिसी नई है। तो जाहिर है कि हमारी इन पालिसियों का इम्प्लिमेंटेशन अगर हो, तो यकीनन हुकूमत का यह अंदाजा होगा कि हमारी एक्सपोर्ट प्रोमोशन बढ़ सकती है। जब हमारा एक्सपोर्ट प्रोमोशन बढ़ सकता है, तो इस बात की बेहद जरूरत है कि हमारे जितने भी, ग्यारह पोर्ट्स हैं, उनकी तरक्की बेहद जरूरी है। इस वजह से कि हमारे मुल्क की मईशत में यह मेजर पोर्ट्स, बंदरगाह जो हैं हमारे मुल्क की मगरबी साहिल पर और मैशरकी साहिल पर वाकया है, इन बंदरगाहों की तरक्की बेहद जरूरी है।

इन बंदरगाहों की तरक्की के लिए माडर्नाइजेशन है, डीपनिंग आफ दी पोर्टस है और मैनेजमेंट में इंप्रूवमेंट भी जरूरी है। इन तीनों चीजों को पेशेनजर रखते हुए जरूरत इस बात की है कि एक सेंट्रल पोर्ट ट्रस्ट कायम किया जाए। सेंट्रल पोर्ट ट्रस्ट कायम करने की प्लानिंग थी, मगर अफसोस की बात है कि इसके बावजूद भी आज तक सेंट्रल पोर्ट ट्रस्ट कायम नहीं किया गया और बजाय इसके जितने भी हमारे ग्यारह जो मेजर पोर्टस हैं, उनके अलग-अलग पोर्ट ट्रस्ट हैं। एक मरकजी पोर्ट ट्रस्ट जब तक कि कायम न हो और फिर वहां से इन तमाम पोर्ट्स को रेगुलेट न किया जाए, तो यूनिफार्मिटी इन तामाम पोर्ट्स में नहीं हो सकती।

लिहाजा, मैं जोर देकर यह कहूंगा कि एक सेंट्रल पोर्ट ट्रस्ट का कयाम अमल जरूरी है। फिर इससे हट कर, जहां तक रियासते आंध्र प्रदेश का जो विशाखापतनम का पोर्ट है, आपको मालूम है

[श्री मोहम्मद खलीलुर रहमान]

कि वह पोर्ट इंतहाई कुदरती पोर्ट है और जिस तरह की दूसरे पोर्ट्स को बनाने में लाखों-करोड़ों रुपया खर्च हुआ है, विशाखापतनम पोर्ट को डिवेलप करने के लिए इतनी रकम की जरूरत नहीं पड़ी। मगर मैं समझता हूं कि विशाखापतनम पोर्ट को नजरअन्दाज किया गया है, बनिस्बत बम्बई, मद्रास और दूसरी पोर्ट्स के मुकाबले में।

तो जरूरत इस बात की है कि विशाखापतनम पोर्ट को तरक्की दी जाए जिस तरह कि अभी मेरे लायक दोस्त मि० ईश दत्त यादव ने कहा कि एक और छोटी पोर्ट हमारे आंध्र प्रदेश में है और वह काकीनाडा पोर्ट है। काकीनाडा पोर्ट भी जिस तरह से विशाखापतनम पोर्ट हमारे पास है, कुदरती पोर्ट है, उसी तरह काकीनाडा पोर्ट जो कि वह छोटी है, माइनर पोर्ट है, मगर उसको भी काफी तरक्की दी जा सकती है और उसको भी अहम पोर्ट बनाया जा सकता है।

इन चंद तजावीज के साथ मैं जनाब मिनिस्टर साहब से यह दखास्त करूंगा कि वह अपने जवाब में शिपिंग एजेंट्स लाइसेंसिंग बिल को क्यों विदड्रा किया गया है, उसके ताल्लुक से जरूर इस बात का जिक्र करें।

†[श्री محمد خلیل الرحمان

(آندھرا پردیش) : جناب وائس چیر مین صاحب - دی انڈین پورٹ (امنڈ منٹ) بل ۱۹۹۰ جو پیش کیا گیا ہے - میں اس بل کی بھرپور تائید کرتا ہوں میں سمجھتا ہوں کہ یہ جو بل لایا گیا ہے - یہ بل وقت کی اہم ترین ضرورت تھی- ویسے یہ قانون بنے ہوئے سو سال ہو رہے ہیں - لہذا یہ جو ٹیکنیکل ترمیمات کے امنڈمنٹ ہیں یہ ضروری تھے - اس وجہ سے بھی میں اسکی تائید کرتا ہوں اور اس موقع سے فائدہ اٹھاتے ہوئے میں چند باتیں آپکے توسط سے آنریبل منسٹر صاحب کی خدمت میں کہوں گزار کرنا چاہتا ہوں -

جناب وائس چیر مین صاحب آپ اچھی طرح سے جانتے ہیں کہ ۱۹۸۹ میں ایک بل لایا گیا تھا - شپنگ ایجینسیس لائیسینسنگ بل ۱۹۸۹ اس وجہ سے بھی اچھی طرح سے واقف ہیں کہ اس بل کے آپ چیر مین تھے اور معزز ایوان کے کئی ممبرس بھی اسکے ممبر تھے - اسکے لئے ایک جوائنٹ کمیٹی بنائی گئی تھی- راجیہ سبھا اور لوک سبھا کے اراکین پر مشتمل اور اس جوائنٹ کمیٹی کے آپ چیر مین تھے - اس جوائنٹ کمیٹی نے ہمارے ملک کے جو ۱۱ میجر بندرگاہ ہیں انکی تفصیل سے وزٹ کی - اور وہاں جو ایجینٹس ہیں جو پورٹ ٹرسٹ کے وہاں کے ذمہدار لوگ ہیں - ان لوگوں کے اویڈنس ریکارڈ کئے - پھر اسکے بعد ایک مکمل رپورٹ تیار بھی کی گئی - مگر کیا وجہ ہے پتہ نہیں کہ پچھلی حکومت کی طرف سے اس بل کو وڈڈرا کر دیا گیا - جبکہ ایک سال ڈیڑھ سال تک مسلسل کوشش کرنے کے بعد وہ بل شپنگ ایجینسیس لائیسینسنگ بل لایا گیا تھا - شپنگ ایجینسیس لائیسینسنگ بل کی اہمیت محسوس کرتے ہوئے ایک جوائنٹ پارلیمنٹری کمیٹی بنائی گئی تھی مگر بغیر کسی وجہ کے اس بل کو وڈڈرا کیا گیا -

میں آپکے توسط سے یہ جاننا چاہونگا کہ منسٹر صاحب اپنے جواب میں اسکا ضرور ذکر کریں کہ اس بل کو وڈڈرا کرنے کی کیا وجہ تھی-

†[Transliteration in Arabic Script.

نہ کیا جائے - تو یونیفارمٹی ان تمام پورٹس میں نہیں ہو سکتی-

لہذا - میں زور دیکر یہ کہونگا کہ ایک سینٹرل پورٹ ٹرسٹ کا قیام بیحد ضروری ہے - پھر اس سے ہٹ کر - جہاں تک ریاست آندھرا پردیش کا جو وشاکھاپٹنم پورٹ ہے - آپکو معلوم ہے کہ وہ پورٹ انتہائی قدرتی پورٹ ہے- اور جسطرح دوسرے پورٹ کو بنانے میں لاکھوں کروڑوں روپیہ خرچ ہوا ہے - وشاکھا پٹنم پورٹ کو ڈیولپ کرنے کیلئے اتنی رقم ضرورت نہیں پڑی - مگر میں سمجھتا ہوں کہ وشاکھا پٹنم پورٹ کو نظر انداز کیا گیا ہے - بلسبت بمبئی - مدراس اور دوسری پورٹس کے مقابلہ میں -

تو ضرورت اس بات کی ہے کہ وشاکھاپٹنم پورٹ کو ترقی دی جائے- جس طرح کہ ابھی میرے لائق دوست مسٹر ایس دت یادو نے کہا کہ ایک اور چھوٹی پورٹ ہمارے آندھرا پردیش میں ہے - اور وہ کاکیناڈا پورٹ ہے - کاکیناڈا پورٹ بھی جس طرح سے ہمارے پاس وشاکھاپٹنم پورٹ - قدرتی پورٹ ہے - اسی طرح کاکیناڈا پورٹ کو کہ ایک چھوٹی پورٹ ہے - مائنر پورٹ ہے - مگر اسکو بھی کافی ترقی دی جا سکتی ہے - اور اس کو بھی اہم پورٹ بنایا جا سکتا ہے -

ان چند تجاویز کے ساتھ میں جناب منسٹر صاحب سے یہ درخواست کرونگا کہ وہ اپنے جواب میں شپنگ ایجیٹنس لائیسینسنگ بل کو کیوں ودڈرا کیا گیا ہے - اس کے تعلق سے اس بات کا ذکر کریں -

SHRI SOM PAL (Uttar Pradesh): Honourable Vice-Chairman, Sir first of all I would like to point out an anomaly in the procedure, as a point of order, that the Bill has been circulated in the name of Mr. K. P. Unnikrishnan the predacea-sof of Mr, Tytler.

ابھی ہی کوئی بات نہیں - اس بل کو ووائز کیا جا سکتا ہے -

اب جو دوسری باتیں ہیں جیسا کہ ہماری مرکزی حکومت ہے- اسکی نئی انڈسٹریل پالیسی آئی ہے اور پھر فارن ٹریڈ پالیسی نئی ہے - تو ظاہر ہے کہ ہماری ان پالیسیوں کا امپلیمینٹیشن اگر ہو - تو یقیناً حکومت کا یہ اندازہ ہوگا - کہ ہماری ایکسپورٹ پرموشن بڑھ سکتی ہے - جب ہمارا ایکسپورٹ پرموشن بڑھ سکتا ہے - تو اس بات کی بیحد ضرورت ہے کہ ہمارے جتنے بھی - گیارہ پورٹس ہیں - انکی ترقی بیحد ضروری ہے اس وجہ سے کہ ہمارے ملک کی معیشت میں یہ میجر پورٹس - بندرگاہیں جو ہیں - ہمارے ملک کے غربی ساحل پر اور مشرقی ساحل پر واقع ہیں - ان بندرگاہوں کی ترقی بیحد ضروری ہے -

ان بندرگاہوں کی ترقی کیلئے ماڈرنائزیشن ہے - ڈیپنگ آف دی پورٹس ہے اور میلیجمنٹ میں امپروومنٹ بھی ضروری ہے - ان تمام چیزوں کو پیش نظر رکھتے ہوئے - ضرورت اس بات کی ہے - کہ ایک سینٹرل پورٹ ٹرسٹ قائم کیا جائے - سینٹرل پورٹ ٹرسٹ قائم کرنے کیلئے پلاننگ تھی - مگر افسوس کی بات ہے کہ اسکے باوجود بھی آج تک سینٹرل پورٹ قائم نہیں کیا گیا - اور بجائے اسکے جتنے بھی ہمارے گیارہ جو میجر پورٹس ہیں انکے الگ الگ پورٹ ٹرسٹ ہیں - ایک مرکزی پورٹ ٹرسٹ جب تک قائم نہ ہو اور پھر وہاں سے ان تمام پورٹس کو ریگولیٹ

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): That you have raised. The position is like have been raised. Th(e position is like this—I must clarify it to the House. The honourble Member came here and pointed out that the Bill that was circulated is in the name of Shri K. P. UnnikriSbnan who is neither the Minister nor a representative of the Government. But the position does appear—just got it ascertained from the office—that this Bill was introduced by Mr. K. P. Unnikrishnan, as a Minister, on 5-9-1990. Thereafter it became the property of this House. Under the rules, all those Bilte which aire the property of the House can be taken up by this House and the successor Government, it does appear, has no impediment in taking up these Bills for consideration and moving the same for consideration Constitutional continuity. In thus maintained. I have also ascertained that the pending Bill$_s$ in Rajya Sabha do not lapse upon the dissolution of the other House. So, I think, Som, Palji will be satisfied that Mr. Minister is entitled to move this motion, to pilot the Bill because h© is piloting the whole shipping industry.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Not Mr. Pilot, but Mr. Tytler.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I think the point he raised seems to be very interesting. If you want to respond, you may do so, Mr. Minister

SHRI JAGDISH TYTLER; He agreed with you. But by mistake you called me Mot. That is what he was trying to say.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Yes, yes, I said, "Piloting the Bill"

SHRI SANGH PRIYA GAUTAM; (Uttar Pradesh); He is Tytler.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): That, I know. I caught the word of Mr. Malaviya.

SHRI SANGH PRIYA GAUTAM; Mr. Tytlef it right.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR); Mr. Minister, would you lik© to respond to it?

SHRI JAGDISH TYTLER; I agree with you; What you have just stated: is a fact. I think he i$_s$ satisfied_

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR); That appears to be the technical position and the legal position a'so.

SHRI JAGDISH TYTLER; That is correct, Sir$_\#$

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR); So, the Bill we will take up for consideration. SHRI SOM PAL; On this point, technically your explanation definitely satisfies me. But I am dissatisfied in as much as I feel that there has been laxity on the part of the Minister to do some home work on this Bill. But I draw satisfaction out of the fact that whatever we proposed when we were in power is being done by the Minister *in toto*. .... SHRI JAGDISH TYTLER; Do you mean the officers?

SHRI SOM PAL; Sir I welcome the Bill, and I note with great satisfaction the sincere endeavour and the concrete resolve to improve the viability of our ports. It goes to simplify the procedures. It has tried to eliminate some wrangle$_s$ and anomalies, no doubt. But in this regard I would like to submit a few suggestions for the consideration of the Minister. For quite some time now the need to modernise our ports in a big way and to create facilities on par with world standards has been felt so that ships coming to our ports do not have to stay long and that they find our facilities technically and procedurally on a par with world standards. Adoption of the latest berthing techniques is required-

Secondly, we should have the most modern and latest technology for handling the goods, loading and unloading the goods. Installation of the latest swivel and revolving cranes to . unload the 'goods swiftly and to load the goods back without loss of time, will definitely go a long way to improve the efficiency of our ports.

Definitely, foreign ships would love to come to our ports then.

Secondly, Sir, there is a long-standing demand to make a suitable amendment in the sabotage law to permit ships with foreign flags to come to our ports for container aggregation. I think, for ships coming from the West and going to the eastern countries, our ports .are ideally located, and they will definitely save a lot of money and energy if we can provide those facilities to them. But because of the total non-existence of such container aggregation facilities, these ships do not come to our ports. So_ this is a big requirement. This will improve our foreign-exchange earnings as well and. improve the financial viability of the posts. f have asked this question three or four times during the past one year, but every time I get the answer that it is under consideration. I would like to know the position what it is now. The other day I had personally approached the Minister. Mr. Tytler. I was told that some steps hjave been initiated to amend the law suitably and to permit the foreign shijs to come for container aggregation.

Sir, this Bill meets the requirements only in a limited fashion. I would urge the Minister to initiate more conserted and far-reaching changes in the port structure, including the procedure for suitable amendment in the law and for creation of most modern facilities to handle the shipments on our ports. That is all that I would like to say, Sir.

श्री अनंतराय देवशंकर दवे (गुजरात) : उपसभाध्यक्ष महोदय, सरकार भारतीय पत्तन अधिनियम में संशोधन के लिए यह छोटा सा बिल लायी है। वैसे तो मैं इसका समर्थन कर रहा हूं. लेकिन मैं जो दो-तीन बातें उस साइड मे बतायी गयी हैं सेक्शन-1(बी) में कि विदाउट नोटिस कंजरवेटर कोई भी माल वहां से हटा सकेगा, कुछ भी कर सकेगा, कोई स्टेप वह ले सकेगा, इस तरफ मैं सरकार का ध्यान आकर्षित करना चाहता हूं कि वहां जो कहा गया है वह ठीक बात है, लेकिन इस में भी कंट्रोवर्सी होगी कि पहले ऊपर सेक्शन I में आपने बताया है, मैं पढ़ रहा हूं :

"... such period as may be specified in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the vessel shall be raised, removed or destroyed within the said period,"

ऊपर के सेक्शन में हम नोटिस की बात कर रहे हैं, नीचे भी एक और सेक्शन है, उसमें भी हम नोटिस की बात कर रहे है, जो लास्ट सेक्शन है उसमें हम विथाउट नोटिस की बात कर रह हैं, कहने का मतलब है कि हम डेमोक्रेसी में रहते हैं, अगर कोई-न-कोई आदमी कोर्ट में चला गया, बिना नोटिस की बात पर और कोई स्टे का मामला हो गया तो यह प्रोविजन ले आने का कोई मतलब नहीं और फिर उसी चक्कर में हम फंस जायेंगे । इस तरह से मैं कहना चाहता हू कि यह जो नोटिस नहीं रखने की जो बात गवर्नमेंट की तरफ से है, वहां से भी अमेंडमेंट हो जाये और नोटिस का प्रोविजन रखें तो ठीक रहेगा ।

उपसभाध्यक्ष महोदय, दूसरी बात मैं यह कहना चाहता हू कि यह छोटा बिल है इसलिए मैं ज्यादा समय नहीं लूंगा, लेकिन यह पहले प्रयोजन में आपने जो एमेंडमेंट की बात रखी है उसमें कुछ समय तय कर दीजिए । हमने कोई समय तय नहीं किया है । हमने समय छोड़ दिया है वहां पोर्ट का जो चेयरमेन होगा, स्टेटुटरी अथारिटी होगी उस पर छोड़ दिया है । अगर इस समय तय नहीं करेंगे तो मुझे डाउट है कि फिर ब्यूरेक्रेसी के चक्कर में फंस जायेंगे और कई प्रकार का भ्रष्टाचार भी हो सकेगा । इस वजह से स्पेसिफिक अमेंडमेंट जब हम ला रहे हैं, तो समय की पाबंदी उसमें रखिए तो जिस इच्छा से, जिस काम के लिए हम यह प्रोविजन ला रहे हैं वह काम हम जल्द से जल्द कर सकेंगे ।

उपसभाध्यक्ष महोदय, तीसरी बात मैं जिसका जवाब मंत्री महोदय से चाहूंगा वह यह है कि आप जब ये एमेंडमेंट्स लाए हैं, एस्टीमेट कमेटी के बहुत से सुझाव हैं और कई सुझाव हैं, पर इस बिल में आप नहीं लाए हैं । यह बहुत से लोगों ने बताया कि ऐसा छोटा सा प्रोविजन ले आने की कोई जरूरत नहीं थी, पूर

[श्री अनन्तराय देव शंकर देव]

कांप्रेहेंसिव बिल जो कुछ आपको करना है उसके संबंध में पूरा-का-पूरा ले आइए एक दफा एक बात को, दूसरी बार दूसरा एमेंडमेंट आ जाय, यह ठीक नहीं है तो मैं जानना चाहूंगा कि आज दिन तक कितने ऐसे वेसल्स पोर्ट पर जमा होने से या सड़बड़ी होने से भारत सरकार को कितना नुकसान पैसे का हुआ है ? दूसरी बात, महोदय, कितना समय हमारा इसमें बर्बाद होता है, वह भी मंत्री महोदय अपने जवाब में बतायें कि किन वजहों से यह अमेंडमेंट बिल हमको लाना पड़ा है ? क्योंकि किसी कमेटी ने तो वैसा नहीं बताया है या स्टडी ग्रुप ने तो अपनी रिपोर्ट नहीं की है । कुछ न कुछ समस्या तो पोर्ट अथारिटी के सामने आई होगी और उस समस्या की वजह से ही यह अमेंडमेंट बिल आप यहां लाए हैं । एस्टीमेट कमेटी में यह कहा गया है और बहुत से सुझाव भी दिए गए हैं, लेकिन यह हमने स्वीकार नहीं हैं और वह अमेंडमेंट भी हम नहीं लाए हैं ।

माननीय उपसभाध्यक्ष महोदय, तीसरी बात,, मैं यह कहना चाहूंगा कि जब हम आजाद हुए तब वेस्टर्न कोस्ट पर बंबई के अलावा कोई दूसरा मेजर पोर्ट नहीं था । सिर्फ एक मेजर पोर्ट था, उस मेजर पोर्ट को कांण्डला नाम से आज जाना जाता है । मेरा आग्रह यह है कि जब हम इस पोर्ट बिल पर चर्चा कर रहे हैं तो यह जो कांण्डला पोर्ट है, इसका नाम सरदार पटेल बंदरगाह या सरदार पटेल पत्तन, ऐसा कुछ किया जाना चाहिये । मुझे विश्वास है कि गुजरात के और देश के महान सपूत ने जो कुछ देश के लिए काम किया है, उससे सब परिचित हैं और इनके नाम से होने से बड़ी इज्जत हम करेंगे ।

उपसभाध्यक्ष महोदय, एक बात मैं यह भी निवेदन करना चाहता हूं कि जो छोटे-छोटे पत्तन हैं, जिसका इस बिल के साथ बहुत ज्यादा सम्बन्ध नहीं है, लेकिन एस्टीमेट कमेटी ने अपनी रिपोर्ट में खुले आम यह बताया है कि छोट-छोटे बन्दरगाह को पहले हम असिस्टेंट देते हैं, जो बाद में बंद की गई । तो क्या उसे फिर से चालू करने के लिए केन्द्र सरकार के पास कोई योजना है ? यह भी मंत्री महोदय कृपया अपने जवाब में बताएं । क्योंकि जब बड़े बंदरगाहों पर बहुत ट्रैफिक जाम हो जाता है तो इधर डायवर्ट करते हैं छोटे बंदरगाहों पर लेकिन, छोटे बंदरगाहों पर उतनी सुविधा नहीं होती क्योंकि राज्य सरकार के पास-इतने पैसे नहीं हैं कि उस तमाम सुविधाओं को वह उन बंदरगाहों पर खड़ा कर सके । जब छोटे बंदरगाहों को सेंट्रल गवर्नमेंट की ओर से कुछ सुविधाएं देंगे, जैसा रिपोर्ट में भी है और सुझाव भी दिये गये हैं, तो वेस्टर्न कोस्ट पर जैसे पोरबंदर है, मुंदड़ा है, मांडवा है, जोभा कांडला के नजदीक हैं वहां ट्रैफिक डाइवर्ट कर सकेंगे । जो ट्रेडर्स हैं उन सबका भी ऐसी इच्छा है क्योंकि जब बंबई जाते हैं तो वहां ट्रैफिक जाम होता है, बंदरगाहों पर जगह नहीं होता है और यही वजह-है कि कांडला पर भी ट्रैफिक दिन प्रति-दिन बढ़ता ही जा रहा है । इसलिए मेरा कहना है कि जो नजदीक के छोटे बंदरगाह हैं उस पर अगर कुछ सुविधाएं कुछ डवलपमेंट के काम सेंट्रल गवर्नमेंट की ओर से हो जायें तो उससे यह ट्रैफिक भी कम होगा ।

अंतिम बात, मैं यह कहना चाहूंगा कि कांण्डला से पूरा इंटरलेन उत्तर प्रदेश तक, राजस्थान होकर हिमाचल प्रदेश तक मीटरगेज लेन है, ब्रोडगेज नहीं है । इस वजह से इस तरफ का जो ट्रैफिक है, उस बारे में भी सरकार कुछ सोचे । आज बंबई पर जो अधिक मात्रा में ट्रैफिक जमा होता है वह कांण्डला डायवर्ट करके हम पूरे उत्तर-भारत तक का यह ट्रैफिक ठीक कर सकते हैं । इस बारे में कोई विस्तृत विचार गवर्नमेंट का आना चाहिये । वैसे जो इस समय आपने यहां रखा है, उसका तो मैं समर्थन करता हूं । धन्यवाद ।

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir); Mr. Vice-Chairman, the Bill has, in the first instance, authorised the authorities on the ports to remove a vessel which is stranded or wrecked or sunk. The unamended Act also made a provision for the; same. But it did no? provide for a notice. Ite

amendment has provided for a notice. But the period of the notice has been left to the discretion of the conservator of the port. I would request the hon. Minister to consider such a provision being made in the statute itself.

Secondly, the amendment, by means of an insertion in clause IB to section 14 provides that in a case where the conservator is of the oninion that the impediment be immediately removed, he may do so without a notice to the owner. A shorter notice should be given even in the case of emergency or immediate necessity. An action which will amount to destruction of a vessel and that too, without a notice, is liable to be declared unconstitutional and may not stand the touch-stone of Article 14 of the Constitution of India. That aspect of the matter does not seem to have been considered. Any action by the executive which may affect the civil rights of any person, when it is taken without a notice and without affording that person an opportunity of being heard, cannot be sustained, when challenged in a court of law. Therefore, the insertion in clause (IB) is not legally valid and requires consideration by the Government. However, it may be that the matter, when it goes to the court and after the provision is struck down, God forbid, will then be taken into consideration.

A_s regards amendment of section 21, it is provided that the punishment which was two months in the unamended Act shall now be one year and a fine is provided which may extend to Rs. 5 lakhs. What T submit is, a fine may be provided, but the extent of Rs. 5 lakhs is rather on the excessive side and it is not Just and proper to provide that the conservator may levy a fine of Rs. 5 lakhs where there was no fine at all. The punishment having been increased to one year the fine should not have been so much. It is rather on the higher side.

As regards amendment of section 42, there is a provision, for the first time, that where a vessel is already under distress or distraint by a court order, then, in that event, the permission of the court would be required to dispose of that vessel when it is a hindrance or impediment in the working of the port. That is a laudable purpose and should have been there in the Act and it has been rightly provided. But one thing remains which the bureaucracy may particularly note. That is, when there is a prior distress or distraint of a vessel, which claim will have precedence, whether the court distress or distraint which is already existing or the distraint of the which the conservator of the port brings in? If the conservator of port is to recover amounts which are public money, this provision could have been made that the costs incurred by the port shall have precedence and the private parties' right shall be subject to the first charge of the port.

With these submissions, I think the Bill is a welcome measure though it is a piecemeal measure and I would support it. I would, however, invite attention *to* the fact that, as stated by hon. Members, our ports do require dredging. I went to Goa the other day.

I enquired as to why the bigger ships are standing far away from the coast. They said, those can't come nearer because there is much of silit and dredging has to take place. Therefore, smaller boats carry manganese and iron ore from Goa, away from the coast to the ships which stand far away, which adds to the cost. Therefore, the hon. Minister, young and enthusiastic as he is, may kindly consider this aspect also. Thank you.

PROF. SAURIN BHATTACHARYA (West Bengal): Mr. Vice-Chairman, Sir, so far as this amendment Bill is concerned, it has already been stressed repeatedly that it is more or less of a technical Mature. My previous speaker, Mr. Salaria, pointed out certain pitfalls. As a lawyer, he pointed it out, which I am not. But my concern is about the condition obtaining in, various ports, particularly, in the port in whose areas I do live,- that is, Calcutta port. All these clauses may im-

[Prof. Sourin Bhattacharya]

prove marginallv the operation of Indian ports. But for improvement of the ports, many more things are necessary. It has been repeatedly pointed out—how far it comes within the scope of this Bill, I do not know—but when the question of ports comes, naturally, the moribund condition of one of the major ports cannot be overlooked and it goes without saying that Calcutta even now happens to be a major port—may not be by the standard of cargo—even smaller ports are appearing much better compared to Calcutta. Other major ports also have similar ailments, But the greatest drawback from which Calcutta port suffers is reduction in its navigability. Even after Haldia port came into being, which was brought into being in order to help the navigability of Calcutta port, the situation has been deteriorating for the simple reason that the dredging operation practically comes to a standstill. It is something interrelated—the position of the Ganges on the one side extending its mouth up to the sea-front is another. Taking all these factors into account, over the years, all that was to be done, has not been done. Calcutta once was a big port perhaps not because of its merit as a natural harbour-Caloutta is not a natural harbour;, it i_s an artifical harbour that way— a pilot scheme is to b? utilised for accepting ships in the port. But all these technical aspects which should be properly attended to, are not being attended to, over the years. I do not know whether the Calcutta Port Trust Authority is responsible for this or the Minister is responsible for this. I don't know -whose fault it is.- I think the present name is a new name— the Ministry of Surface Transport. But the question is all thrau<ih this neglect has been there and it is further being compounded with what, according, to one's approach, is sated to be labour trouble. In many cases labourers are denied their due benefits, the benefits which are due in other ports, as a result of which there is an avoidable trouble.

There is another aspect also. The Indian Ports Act naturally provides for certain uniform standards in respect of various matters. As I have been saying here, the tonnage of ships, confiscation of ships or destruction of ships, if they block navigation for a long stretch of time or things like that, provision for fine has been made. All these things are quite all right, may be fine also, but the question is if these physical aspects, the human aspects, are not taken care of, then these technical amendments would not be able to restore the health of majority of the Indian Ports, not only Calcutta but other ports also. Calcutta and Cochin have been named, but there are other ports also which are not free from sucli ailments. I would request the Minister to consider all these aspects and see whether there could be some legislation, not amending just on the dotted lines, but a legislation which will take care of the aspects referred to by me and in respect of which a uniform policy may be pursued by the port authorities throughout the country. Thank you.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Now Mr. Tytler will reply. Just a minute. Do you want to say something, Mr. Bagrodia? Because it is a question of Calcutta, Members from that State must speak,

SHRI SANTOSH BAGRODIA (Rajasthan): Thank you, Sir. Though Member are mentioning about Calcutta, T am going to talk about my own State of Rajasthan because Rajasthan is known as an Ocean of sand, but we don't have water. Our Minister is very dynamic, I wish he can find it somewhere like Indira Gandhi Canal. If he can bring an ocean fo Rajasthan, we will have a port, a port for Rajasthan. If not, at least a dry port, Sir, so that our international trade . can increase.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER)): Airport I gave them.

SHRI SANTOSH BAGRODIA: I have already risen to support this Indian Ports (Amendment) Bill, 1990 mainly for these amendments. I must congratulate our

hon. Minister on this. The work started, I believe more than a year ago. In the first opportunity he has brought this Bill which was introduced in 1990. We have accidents or wrecks on the roads. I am only touching upon two important points of these amendments out of the objects and reasons that when there is a wreck, nrturally the entire traffic gets disturbed. Even on the road if there is a wreck, naturally we have to go by other routes, but on the port there is no way out. I very much appreciate that the penalty etc. for this should be so much and that whomsoever it belongs to, it should be removed. The 4 00 P.M. time limit of even 14 days—whatever may me the time limit is much more. We should furthe, reduce it subject to insurance and police problems and whose co-ordination the Minister will have to consider. Secondly, this discharge of ballasts or rubbish or any other thing is likely to form a bank or to be detrimental to navigation. That is another very crucial point because not only it creates an environmental problem but also creates a situation where the vessels cannot come to the shore. So, this should be taken very seriously and I appreciate that the Minister appears to have taken it very seriously and I hope that ft may be implemented with the same spirit.

Coming to the general problem of the ports, as everybody has said, fey 2000 the required capacity of the ports would be 300 million tonnes. At the moment, it is completely saturated and capacity is about 140 million tonnes. How do we it. One of the most important reason is the decreasins productivity of labour in the ports. We have pampered the labour at the ports a lot. They have to understand how we control these ports. I will give you example of Kandla Port. When this port was recognised we could not avoid the group of labour which had to be armployed for a particular purpose. They are wasting time playing cards. The work is done by machine operators to whom we have to pay wages. Tt means double wages. I am not trying to say that these workers should be removed from the port. They can always be given another job, ' but they don't want another job. They * only like to waste time but they must be paid. In this kind of economy, with this kind of pampering, I am sre, our ports just cannot come up. I will quote some Chairman's report.

> But this is something which we haveto take up seriously with the Labour Ministry and, of course, our hon. Minister has to co-ordinate the productivity of the port labour. In the new environment in the world this one point that has to be considered very seriously.

Modernisation is, of course, another point for which a lot of money is required. Our hon. Minister may say that we are short of resources. We are short of resources. We are short of resources for everything. including modernisation of port. Why don't we get the resources? When we are willing to allow the multinationals or privatisation in other fields, I would request the hon. Minister to consider that also. Privatisation I will take up a little alter when I come to the subject again.

Now, about co-ordination. There are a number of agencies working in the ports. Their co-ordination is also neces sary. Even for labour there are several unions. What happens is that when one apency closes, the entire port stops the work. The result is that the port becomes more and more inefficient. Similarly, security at the ports should be strengthened. If the goods lie there for more than 2 days or three days, a lot of thefts take place. All the ports are full of anti-sooial elements. I don't know what programmes the Minister has to improve the situation and to remove the anti-social elements. An ordinary citizen cannot enter the port, but an anti-social element can just enter the port without an entry pass.

Another general point which I want to make is development of smaller ports. I know that we have a very vast coastline from one corner to the other around the country. If this vast coastline can be

[Shri Santosh Bagrodia]

developed, especially the smaller ports which are already there. I am sure, our handling capacity of international business can be increased, especially in Gujarat. I have personally visited a number of smaller ports in Gujarat. There are two or three ports in Rajkot. I cannot remember the names. But one port has been developed long before the Britishers came. Even today that port is very useful. There are a number of such ports which can be developed. So, I would request the hon. Minister, without going into the details of each and every port, that he should consider how we could develop these smaller ports in different parts of the country. Mr. Vice-Chairman, now coming to the Calcutta port, I would like to mention that Calcutta port has shown a net deficit of Rs. 2456.44 lakhs in 1987-88. With all the monopoly, they are still showing a deficit. It has shown a net surplus of Rs. 101.02 lakhs in 1988-89 and Rs. 229.14 lakhs in 1989-90. The losses were in thousands, the surpluses are in hundreds. Yet, I am happy that the situation is improving. The Central Government is granting a subsidy to the extent of 90 per cent of the expenditure incurred by the port on items directly related to dredging and maintenance of the river. Tri regard to dredging of the Hughli and Haldia shipping channel, moratorium was also granted on repayment of loans and on interest on loans granted for the development of Haldia dock complex. Both these concesisions were applicable up to 31st March. 1990. Even after such a long period more than 20 months have passed, it has not yet been extended. T. would request the hon. Minister to continue with these concessions for some more time. At this stage I would like to mention what the Chairman of the Calcutta Port Trust had stated. He said that the Port Trust was facing an imbalance in manpower with idie labour- force in some areas of operations and shortage in others. There is shortage of labour in one operation and there is surplus of labour force in other operations. The labour force had been reduced from 48000 to 24000 in Calcutta Port, even, then there is this imbalance. Calcutta in an ageing port. It is one of the oldest ports in India and still I believe it could be further developed with Haldia if the Ministe,- takes a little more interest. Now coming tol Bombay and Nheva-Sheva ports—I had recently visited it as a committee member—I find that the very purpose of starting the Nheva-Sheva port has been defeated. The Nheva-Sheva port was started to avoid congestion; of the Bombay port. But because there are two separate authorities and since they have no coordination, they are now working at cross-purposes. As a result the congestion at the Bombay port continues to remain and the Nheva-Sheva port is not functioning to its full capacity. This needs to be looked into by the hon. Minister. Sir, my colleague haa mentioned about having a Central authority for the development of ports. I would request the hon. Minister with folded hands; not to consider thid. In case you want to have a white elephant like the Food Corporation of India, then you can consider having an authority at the Central level. We are now talking of decentralisation and where is the scope then for having a Central authority for port development? The most important and the final point is regarding privatisation. When I say privatisation many eyebrows may be raised. I am not talking of transferring the ownership of the ports to the private people. Wnat I mean is some of the services at the ports could be entrusted into private hands. If we can do this we can also reduce the pressure on our exchequer. This poinl could please be considered by the Minister. When I talk of privatisa'ion. I am only talking of privatising the operations like imporving the growth aspiration ol our economy on a short and long term basis increasing productivity througi healthy competition finding necessary

resources for capital investment and improving managerial and entrepreneurial skills and making the ports regionally more competitive. This is the purp(se of privatisation and this may kindly be noted. According to some international maritime experts, the capacity potential of India's major ports can be increased by 35 per cent if the practices and procedures at these ports are aligned with modern systems of management. With the present capacity itself we could increase the potential by 35 per cent and 1 think the hon. Minister should s.eriously look into this aspect.

The Vice-Chairman (Dr. Nagen Saikia) in the Chair]

Now, Sir. 1 come to my last point. The freight rale at the ports is charge in rupee terms whereas some of the ports charge in dollar terms. A number of foreign vessels are coming to our ports. In fact, most of the vessels that are coming are foreign vessels only. If you charge them in dollar terms, particularly when the rupee value is going down, it will definitely be; helpful and not only will the functioning of our ports improve, but the foreign ex change position of the country will also improve in this process.

With these words, Sir, I thank you very much for giving me this opportunity to speak and I conclude. Thank you, Sir.

THE VICE-CHAIRMAN (DR. NA GEN SAIKIA): Now, the honourable Minister.

SHRI JAGDISH TYTLER: Sir, I thank all the honourable Members at the. outset because in one voice they have supported this Bill.

SHRI SATYA PRAKASH MALAVIYA: And also congratulate them.

SHRI JAGDISH TYTLER: Yes, I congratulate them also. Sir, no doubt, the Bill is of a technical nature- But verv valuable suggestions have come from all tne Members concerning the ports in the country.

Sir, in this conaectkm, I would like to say that the development of the ports is an on-going process and I would like to inform the House, particularly those Members who have taken part in this debate, that in the Seventh Plan period, we had spent Rs. 1,333 krores on the development of the ports in the country, Rs. 220.28 crores in 1990-91 and Rs. 347.72 crores—it is estimated—we would be spending in 1991-92. I would like to tell the honourable Members that many important schemes are on-going schemes in Hie ports. Of course, there are. some delays, but there are some improvements also. But the schemes are going on mostly satisfactorily.

Another thing that all the Msmbers should know is that all the ports, dm ing the last three years, have been making profits and they are doing a good job: Of course, there are certain shortcomings. But I am trying to monitor and 1 am trying, with my Minis'try, to monitor each port. I can tell the House that during the last few years, our earnings are more and the other facilities are much better than in the previous years and I think that we are going very positive on this.

Coming to modernization, it is' an on going process and we are modernizing with whatever money is available. Ihe handling capacity of the ports, which was 20 milKon tonnes in 1947, has gone up to 161 million tonnes now, that is, in all. the major ports, and this should give satisfaction to all of us. I would also like to inform the Members that the percentage of the Indian flag vessels has gone up from 6.5 per cent in 1955-56 to 37 per cent in 1990-91 and also that 98 per rent of India's trade is carried on by sea.

Most of the Members mentioned about the renatly of five lakhs. Buta this penalty is for-those people who are polluting the ses ;ind the environment. This penalty is im -iosed because it is our duty to otir chile-ren and to out future fenerations that we keep on seas freefrom pullution.

[Shri Jagdish Tytler] One of the Members mentioned that we should have a higher penalty. If the offence is repeated, the pensity can so up to ten lakhs of rupees and is punisha'jte under section 21 of the Act.

Many Members have given suggestions and I would like to answer their points as briefly as possible.

Sir, our ports are employing over 12 lakh people directly in the ports and I would like to take this opportunity of thanking them because they have kept the national interests at heart and despite the recent strike call given by certain sections of the political parties, all important ports were functioning, in spite of the fact that the people were forced not (b come out and the Home Secretary of P State Government gave instructions that the strike should be observed ... *(Interruptions)* ....

SHRI SUKOMAL SEN (West Bengal): It is absolutely wrong..-. *(Interruptions).* The Minister should not say this at all... *(Interruptions)* .. .It is absolutely wrong. ...*(Interruptions)*.. .He should not say this at all.

SHRI JAGDISH TYTLER: Why should I not say? I want to Congratulate my people- ..*(Interruptions)*....I want to congratulate those people Who had kept the nation's interests at heart and I would like to congratulate them...(J*/Iterruptions)* . . . This is the forum where I want to say that

SHRI SUKOMAL SEN: This was against policy...

SHRI JAGDISH TYTLER: No Government officer, how big or small he is, is going *to* direct the people not *to* work on the port. *(Interruptions).* Why should the Home Secretary give a direction? The people want to go and work in the ports, the Port authorities are wanting them to come and work. There are goods lyir.g in the ports. There are perishable goods. People want to come and work. The Home Secretary gives a direction 'don't pick up those things.' *(Inttrrupticms).*

SHRI SUKOMAL SEN: Where is th« circular? Place it on the Table.

SHRI MOHAMMED AMIN: The Home Secretary has denied it. It has come in the Press.

SHRI V. NARAYANASAMY (Pondicherry): It is published in the Press. I raised it in the morning. What are you saying? *(Interruptions).*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please take your seats. I think, the Minister is making a statement with all his responsibility.

SHRI SUKOMAL SEN: It is not correct.

SHRI JAGDISH TYTLER: Sir, there was a mention by Shri Mohammed Amin about the UN Liners. This is still under consideration and examination by various Ministries. Sir, I would like to inform the Members who have raised about the dredging of the Calcutta port that a Rs. 50 crore project is being implemented for dredging in Calcutta.

Sir, there was a complaint that most of the Seamen are being recruited in Bombay. Sir, the Seamen no doubt have been recruited in Bombay because recently more ships are touching the Bombay port. And there is dependence on busiess consideration also. There is a little problem also which we are facing in Calcutta. That is from the Forward Seamen's Union, who are creating a little problem, but we are negotiating with them, and I hope that this will be solved because we are equally-..*(Interruptions).*

SHRI SUKOMAL SEN: You are agaii saying against the Union...

SHRI JAGDISH TYTLER: I also saiJ that 'hey are co-operating. I also said that they are co-operating. The second pari of the line also you should under stand. 1 said, we are negotiating and they are cooperating. Why don't you fikc tfee second pari of it also?

SHRI SUKOMAL SEN: If they are co-operating, how can you say that?

SHRI JAGDISH TYTLER: Because there was a little problem. There was problem initially. And I talked to them. And now they are co-operating.

SHRI SUKOMAL SEN: Why are you so vindictive?
(Interruptions).

""SHRI JAGDISH TYTLER: These people who want to come and work have been forcibly stopped to come and work. What do I say in this House? We are responsible to the nation here, not responsible to a particular party *(Interruptions)* Is the nation's dignity not mort important?

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please do no enter into arguments. Please go on.

SHRI JAGDISH TYTLER: You come and see the work of these six months where I have gone privatisation aLo, some pait of it. See the kind of money that some labourers have been earning now.

SHRI V. NARAYANASAMY: Mr. Jyoti Bas,u has called the multi-nationals. He can do it. What is your policy?

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Narayansamy, please take your seat.

SHRI V. NARAYANASAMY: Here the Minister is replying. They should listen to the reply.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): He has made some points and the Minister has replied.

SHRI JAGDISH TYTLER: Sir. there was a mention that the Bill is not complete. We are working on a comprehensive Ball. And I think, covering all the points which the hon. Members have mentioned, we would be very soon bringing a Bill. We will bring it in the near future. Sir.

Sir, Mr. Maheswarappa has said that there is an offer for deepening of Vizag and Madras ports. There is no offer. Sir, only studies for this purpose have been conducted. There has been no concrete offer. In the case of Paradip. Hundai a South Korean company, has mad: an offer. But it is still under examintion. And it is still to be ascertained if they are s'ill interested because with the change of policies, we do not have that kind of money. But we will be very happy if somo people come and help us.

The turn-round time in Bombay has come down to 10.8 days which was initially 13.5 days. The Madras port container terminal has just been expanded at a cost of Rs. 60 crores. Shri John Fernandes has raised the question that the major ports are making losses. I shall inform initially that the major ports are making operational surplus and a new berth has recently been cleared for construction in Goa port. Shri Sahu has mentioned about the problem in the Paradip port and Tamil Nadu. I would lika to inform the hon. Member that the Paradip port expansion for carrying coal to Tamil Nadu is under consideration. We propose to earmark almost Rs. 450 crores for this purpose in the Eighth Plan.

INP is a new port which admittedly had some problems earlier. I am glad that the hon. Member did mention a few things which have come to our knowledge. As far as the container handlings are concerned, they have gone up. I dont have the exact figures but we feel that as per the target set, they are doing a good job. But some other problems are there which we face, like some equipment not being proper or there being a shortage of equipment. But that is going to Le looked into, personally, by the Secretary and the Joint Secretary. We hope that in future we will be able to do it.

One or two Members have mentioned about privatisation. Sir, the Ministry, for which I have got this responsibility, is

[Shri Jagdish Tytler] }pen to new ideas in the interest Of the development of ports and shipping, including the private sector. If we gev proposals from the private sector in keeping with the interest of the nation, about ■nything, we can help.

Sir, we are open to the proposals and every proposal will be looked into on its own merits.

Mr. Yadav has asked whether all ports are making profits and if there is a backlog in dredging. There is no dredging backlog in any port. Various ports are drawing up plans for dredging according to the project and traffic requirements. No doubt, we did not have the big dredgers initially, but we have now a big dredger, 'Aquarius'. Probably at one or two places we are not able to do it before but we are going to do it now and full plans have been drawn up.

Many Members have mentioned about development of the minor ports. I would like to inform the Members that all development of the minor ports is the responsibility of the State Government. So, our Ministry does not come under it.

SHRI ANANTRAY DEVSHANKER DAVE: Previously, some assistance was given by the Central Government. I want to know whether it is under consideration or not.

SHRI JAGDISH TYTLER- I am coming to that. The Kakinada port is being developed with Asian Development Bank's assistance at an estimated cost of Rs. 120 crores. And the second is ready. Wet have not received any proposal from the Maharashtra Government in the Seventh Plan.

Sir, productivity was linked with the demand of the workers. I would like to inform the Members that all ports of the Ministry are constantly in touch with all the major workers' federations to solve the problems faced by the workers. We have not closed our minds. We see to the interests of the workers as much as. anybody else does, especially me, because I have been associated with the workers quite a lot. I feel that we should do everything possible to see that the workers' interest is looked after. I will personally see to it that in no way, when we will expand our modernisation, any worker would lose his job without a proper hea-ing or consideration of his work or compensation or whatever it is.

Shri Mohd. Rahman has mentioned about the Shipping Agents Licensing Bill which was introduced but had to be withdrawn because we found a lot of defien-encies in the Bill. There were problems which were pointed out by shipping agents and also exporters. A proposal for a Central Ports Authority which was examined by the Committee which had made certain suggestions, is also under our consideration. And they had made certain suggestions which are now under our consideration. There was a mention about Vizag Port development. Now Vizag Port is developed. New ports are built with modern equipment being added to them. The traffic would go up from 16 million tonnes to 22 million tonnes. Mr. Som Pal raised some important points. These points were also raised when I joined the Ministry, I would like to inform the hon. Member that initially I had relaxed the Cabotage Law for a certain period. And now again I have relaxed the Cabotage Law for the year in favour of those shipping liners who will transit containers to the Indian ports. But the oroposals are still to come from the shipping 1'ners. In case you feel that some of the people who had come with their problems to you if they could send us the proposals, I will be very happy as long as we ,eet the Ml benefit from them- Regarding the JNP Board, I just got the information from my office. In 1991, we handled 54.000 containers in one year till the end of November, that is, still four to five months more for the year to end. We have already handled 68,000 containers when we had handled only 54.000 con tainers last year. You can imagine the kind of congestion. Even thev sav that there is no reportinn of congestion at the Bombay Port. I have no doubt that certain traffic has been diverted there because that is a modern port which can

handle ships of any length and of bigger weight. I think that I have touched practically all the points.

श्री संघ प्रिय गौतम : मंत्री जी, आपने शुरु में फरमाया कि 1991–92 के लिए अपने इन पत्तनों के विकास के लिए जो धनराशि निर्धारित की है वह पिछले साल के मुकाबले में ज्यादा है। लेकिन जिस अनुपात में रुपये का अवमूल्यन हुआ है, उस अनुपात को लगाया जाए, तो यह धनराशि पिछले साल से कम बैठेगी।

SHRI JAGDISH TYTLER; The hon. Member has pointed out certain things.

SHRI ANANTRAY DEVSHANKER DAVE; What about the development of smaller ports

SHRI JAGDISH TYTLER; It does not aame under the purview of the Central Governmen^

SHRI ANANTRAY DEVSHANKER DAVE; But previously, the Central Government was giving some assistance to the smaller ports. .. *(Interruptions).*

SHRI JAGDISH TYTLER; I would like to answer it. Up to the Fifth Plan, there was a system of Central assistance to the State Governments for development of selected minor ports under the Central Sponsor Authority. As per the decision of the National Development Council, such assistance has been discontinued in the subsequent Plans.

SHRI K. G. MAHESHWARAPPA: What about the offer of the American President Lines for development of three major ports?

SHRI JAGDISH TYTLER; We have not received any such offer. If such an offer comes, my mind is very open to it and we will do everything possible W» see that we help them also.

SHRI MOHAMMED AMIN; You said that negotiations are going on with the Forward Seamen Union and the problem :s expected to be solved. Does it meaa that the recruitment of sea-men would b« reviewed in the Calcutta port in the near future?

SHRI JAGDISH TYTLER; Subject to the retquirements. The requirement must also he there.

THE VICE-CHAIRMAN; (DR. NAGEN SAIKIA): The Minister ha. covered all the points raised by the hon. Members. Now the question is;

"That the Bill further to amend the Indian Ports Act, 1908, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA); Now we shall take up Clause-by-Clause consideration of the Bill.

Clause 2 to % were added to the Bill.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall now take up clause 1. There is one amendment, by the hon. Minister.

Clause], *Short title and commencement*

SHRI JAGDISH TYTLER; Sir, I move;

"That at page 1, line 4 *for* the figure 1990' the figure '1991' be *substituted:'*

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA); Now, the question is;

"That Clause 1, as amended, stand part of the Bill"

i *The motion was adopted.*

. *Clause* 1, *as amended was added to ' the Bill.*

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THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall now take up the Enacting Formula. There is one amendment, by the hon Minister.

Enacting Formula

SHRI JAGDISH TYTLER; Sir, I *move;*

"That at page 1, line 1, *for* the word

'Forty-first' the word 'Forty-second' be *substituted."*

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR NAGEN SAIKIA); Now, the question is;

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI JAGDISH TYTLER; Sir, I beg to move;

"That the Bill as amended, be passed."

The question was put and the motion was adopted.

THE DELHI HIGH COURT (AMENDMENT) BILL, 1991

THE VICE-CHAIRMAN (DR NAGEN SAIKIA): Hon, Law Minister to move the Delhi High Court (Amendment) Bill, 1991.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh); Mr. Vice-Chairman, Sir, I have an objection to the moving of this Bill. I have an objection, under the rules of the House.

This Bill is dated 20th February, 1991. This Bill was introduced in this House on 5th March,1991, by Dr. Subramanian Swamy, the then Minister of Law, Justice and Company Affairs Now, I would like to draw your attention to rule 69. It say»;

When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions is regard to his Sill, namely;—

My submission is, this relates to Dr. Subramanian Swamy and not to the present Minister, Shri K. Vijaya Bhaskara Reddy. Therefore, he is not competent to move this Bill for consideration.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA); A ruling had already been given by the earlier Vice-Chairman. This Bill is the property of the House.

SHRI SATYA PRAKASH MALAVIYA; My submission is, this rule was not brought to the notice of the Chair. Thi$_s$ rule was not brought to the notice of the Chair at that time. I am contending that the word 'his' used in the rule relates to Dr. Subramanian Swamy and not to the present Law Minister. Therefore, he is not competent to move the Bill for the consideration of the House.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I have told you that a ruling had already been given. Of course, whatever you have said is recorded. But we shall have to go ahead with the consideration of the Bill.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY): Perhaps, the hon. Member was not present when the earlier Bill was modved in the House. Similar situation arose.

SHRI SATYA PRAKASH MALAVIYA; I want a ruling on this Bill also.

SHRI K. VIJAYA BHASKARA REDDY: Ruling has been given by the Vice-Chairman now.

Sir, I beg to move;

"That the Bill further to amend thet Delih Hish Court Act, 1996, be taken into consideration."